



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** H H & K Builders, Inc.--Request for  
Reconsideration

**File:** B-238095.2

**Date:** May 8, 1990

Don Hecht, for the protester.

Colonel Herman A. Peguese, Department of the Air Force, for  
the agency.

Sylvia Schatz, Esq., and John M. Melody, Esq., Office of the  
General Counsel, GAO, participated in the preparation of the  
decision.

### DIGEST

Request for reconsideration is denied where based on  
information that could have been but was not presented  
during consideration of original protest.

### DECISION

H H & K Builders, Inc., requests reconsideration of our  
decision, H H & K Builders, Inc., B-238095, Feb. 23, 1990,  
90-1 CPD ¶ 219, in which we denied its protest against award  
of a contract to J & G Landscaping, the apparent low bidder,  
under invitation for bids (IFB) No. F32605-89-B-0027, issued  
by the Department of the Air Force for grounds maintenance  
services at Grand Forks Air Force Base in North Dakota.

We deny the request for reconsideration.

H H & K protested that award of the contract to J & G would  
violate conflict of interest regulations because  
Mr. Renfrow, the husband of J & G's sole owner, is employed  
by the Air Force at Grand Forks Air Force base. We denied  
the protest, finding that the Air Force reasonably con-  
cluded, following an investigation, that there was suffi-  
cient separation between the wife's ownership and control of  
J & G and the husband's unrelated duties as an Air Force  
employee to preclude any actual or apparent conflict of  
interest. The protester provided no independent documenta-  
tion to contradict the agency's findings but, rather, merely  
asserted that a conflict of interest was inevitable where

048486/141344

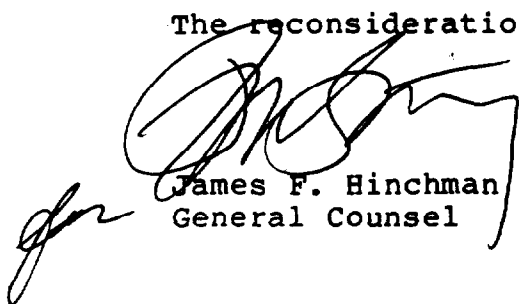
there is a familial relationship such as the Renfrows'; this constituted speculation, which does not provide a sufficient basis to find a conflict of interest.

In its request for reconsideration, H H & K presents information allegedly supporting its original argument that Mr. Renfrow had ownership and control of J & G in violation of the conflict of interest regulations. Specifically, H H & K states that it has determined, through an investigation it conducted after our decision was issued, that Mr. Renfrow is listed as one of the people able to sign checks and loans for J & G, and that J & G is not a registered corporation or other business entity in North Dakota.

We will not reconsider a prior decision where the requester bases its reconsideration request on information it could have presented, but did not, during our initial consideration of the protest. Department of the Army; Wilcox Elec., Inc.--Request for Recon., B-232693.2, B-232693.3, July 26, 1989, 89-2 CPD ¶ 83. Otherwise, a protester would be able to remedy the defects in its original protest and present its position piecemeal, undermining the goal of our bid protest forum to produce decisions based on a fully developed record. Id.; B.K. Instrument, Inc.--Request for Recon., B-212162.2, Feb. 14, 1984, 84-1 CPD ¶ 189.

Although H H & K's reconsideration request is based on information it did not have, and that we therefore did not consider during resolution of H H & K's initial protest, this clearly was information that H H & K could have obtained by conducting its investigation of J & G prior to our initial decision; the information presented does not appear to be such that it would not have been available at that time. Department of the Army; Wilcox Elec., Inc.--Request for Recon., B-232693.2, B-232693.3, supra. This information therefore does not provide a basis for reconsidering our decision.

The reconsideration for request is denied.



James F. Hinchman  
General Counsel